IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&
THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT APPEAL NO : 832 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 05/10/2004 in WPMP No.23615 of 2003 and WVMP No.3913 of 2003 in WP No : 18894 OF 2003 on the file of the High Court.)

Between:

1. National Insurance Company Ltd., Rep. by its Chairman and Managing Director, 3, Middleton Street, Kolkota.
2 The General Manager, Disciplinary Authority & Competent Authority, National Insurance Company Ltd., 3, Middleton Street, Kolkota.
3 Smt. Deepa P. Raghavan Manager & Inquiry Officer,
National Insurance Company Ltd., Mumbai Regional Office-I, Royal Insurance building, 12, Jamshedji Tata road, 11464, Churchgate, Mumbai - 400 020.
4 Sri P.K. V. Pillai Manager & Inquiry Officer,
National Insurance Company Ltd., Regional Office, M.G. Road,
Bangalore.

..... APPELLANTS

AND

1 K. Adam S/o K.Kanakasundara Rao,
National Insurance Company Ltd., Regional Office, Hyderabad,
R/o C.101, High Rise Apartments, Kavadiguda, Hyderabad - 500 0080.
2 Dr. P. Gangadharam S/o Late P. Venkateswarulu
National Insurance Company Ltd., Divisional Office-III, Hyderabad, R/o 11-3-307/1-2, Gandhinagar, Sri Sai Towers, Flat No. 504, Hyderabad - 500 080.

.....RESPONDENTS

Counsel for the Appellants:MR.K.SRINIVASAMURTHY

Counsel for the Respondents.: MR.P.V.CHALAPATHI RAO

The Court made the following :

JUDGMENT: (Per Hon'ble Smt. Justice T. Meena Kumari)

This writ appeal is filed by the appellants aggrieved by the order in W.V.M.P.No.3913 of 2003 and WPMP No.23615 of 2003 in W.P.No.18894 of 2003, under which the learned Single Judge made the stay absolute and dismissed the vacate stay petition.

The appellants herein are the respondents in the writ petition. Originally, the writ petition was filed by the writ petitioners seeking a direction in the nature of writ of Mandamus declaring the action of the 2nd respondent in reopening the case and continuing the enquiry proceedings, which were closed by the 3rd respondent vide proceedings dated 28.8.2002, as arbitrary and illegal. While issuing notice to the respondents before admission, on 8.9.2003, the learned Single Judge has granted stay of enquiry. Aggrieved by the same, the respondents filed an application in W.V.M.P.No.3913 of 2003 seeking to vacate stay granted by this Court. The learned Single of this Court having observed that the disciplinary authority, without passing any order to conduct re-enquiry, resorted to continue the enquiry, which was closed on 28.8.2002, dismissed the vacate stay petition and made the stay absolute.

Heard the learned Counsel.

The learned Counsel for the appellants contends that there is no rule or proceeding to prevent the Management from appointing the second enquiry officer and the action of the management cannot be questioned. He further contends that it is always open to the writ petitioners to question the final orders passed but not the enquiry being conducted and therefore, the stay granted by the Court is liable to be vacated.

On a perusal of the order of the learned Single Judge, it is apparent that the respondents ordered re-enquiry against the writ petitioners in the absence of any order and therefore, the learned Single Judge is justified in granting stay.

Since this writ appeal is preferred against an interlocutory order in the main writ petition and all the questions that have been raised before this Court, touch the very merits of the main writ petition, without expressing any opinion on the merits of the case, We feel it just and proper to direct the Registry to post the writ petition for final hearing.

Accordingly, the writ appeal is disposed of. No order as to costs.

Post the Writ petition for final hearing on 28.06.2005.

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Justice T. Meena Kumari

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Justice L. Narasimha Reddy

Date: 21st April, 2005

Nn/Gurc.

Copies to:

1. The Chairman and Managing Director,, National Insurance Company Ltd., 3, Middleton Street, Kolkota.
2 The General Manager, Disciplinary Authority & Competent Authority, National Insurance Company Ltd., 3, Middleton Street, Kolkota.

3. The Manager and Enquiry Officer, National Insurance Company Ltd., Mumbai Regional Office-I, Royal Insurancje Building, 12, Jamshediji Tata Road, 11464, Churchgate, Mumbai-400 020.

4. The Manager & Enquiry officer, National Insurance Company Ltd., Regional Office, M.G.Road, Bangalore.

5. The Section Officer, Writ Filing-Posting Section, High Court of Andhra Pradesh, Hyderabad.

6. Two C.D. copies.